

50170

**ADDENDUM**

Made this 21st day of October 2001, by and between DELHI DHABA, INC., T/A DELHI DHABA RESTAURANT (the "applicant") and ADVISORY NEIGHBORHOOD COMMISSION 3F, North Cleveland Park and Forest Hills (the "ANC" or "ANC 3F").

**WITNESSETH:**

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control ("ABC") Board is Applicant's application for a Retailer's Class "CR" liquor license for a sidewalk cafe at the premises known as Delhi Dhaba, Inc., 4455 Connecticut Avenue, N.W., Application Number 50170; and

WHEREAS, ANC 3F and Delhi Dhaba have already entered into a voluntary agreement for a "CR" license for the indoor restaurant; and

WHEREAS, both Applicant and the ANC (the "parties") desire to enter into an addendum to that agreement for the operation of a sidewalk cafe;

NOW, THEREFORE, in consideration of the premises recited, and the mutual covenants and promises set forth below, the parties agree as follows:

1. Applicant shall operate a sidewalk cafe with 6 tables and a seating capacity of 18 persons.
2. Applicant may have use of this sidewalk cafe from May 1 through September 30th, in accordance with applicant's public space permit.
3. The hours of operation for the sidewalk cafe will be 11:00 a.m. to 10:00 p.m., Monday through Friday, and 11 a.m. to 10:30 p.m., Saturday and Sunday.
4. Applicant agrees that waiter/waitress service will be provided to the outdoor cafe.
5. Applicant agrees that alcoholic beverages will only be served in conjunction with full meal service.
6. Applicant agrees that no doors will be propped open and that no music of any kind will be provided to the outdoor cafe.
7. Applicant agrees that the 6 tables and 18 seats at the outdoor cafe will be arranged in accordance with the plan approved by the Public Space Committee and attached to this agreement so that neither tables, chairs, or plantings will cover or block access to the manhole covers in the street.
8. Applicant agrees that all provisions of the voluntary agreement for the interior restaurant will apply to the operations of the sidewalk cafe.
9. Any and all contemplated changes to Applicant's operation, as set forth herein or otherwise, will be brought to the attention of the ANC prior to implementation, and only after ANC and, when required by rules and regulations, ABC Board approval.
10. In consideration of, and in reliance upon, the commitments reflected in paragraphs 1 through 9 above, the ANC will advise the ABC Board that it does not oppose Applicant's pending application for a Retailer's Class "CR" license for the outdoor cafe.

*Delhi Dhaba Outdoor Cafe**Page 2*

11. The parties further agree that any failure of Applicant to adhere to the foregoing commitments will constitute grounds for the ANC to petition the ABC Board for issuance of an order to show cause to gain the Applicant's compliance with the terms of this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their hands and seals on the year and day first above written.

APPLICANT, DELHI DHABA, INC.  
T/A DELHI DHABA RESTAURANT

By: *M Paul Damera*  
(Signature)

Name: M PAUL DAMERA  
(Print)

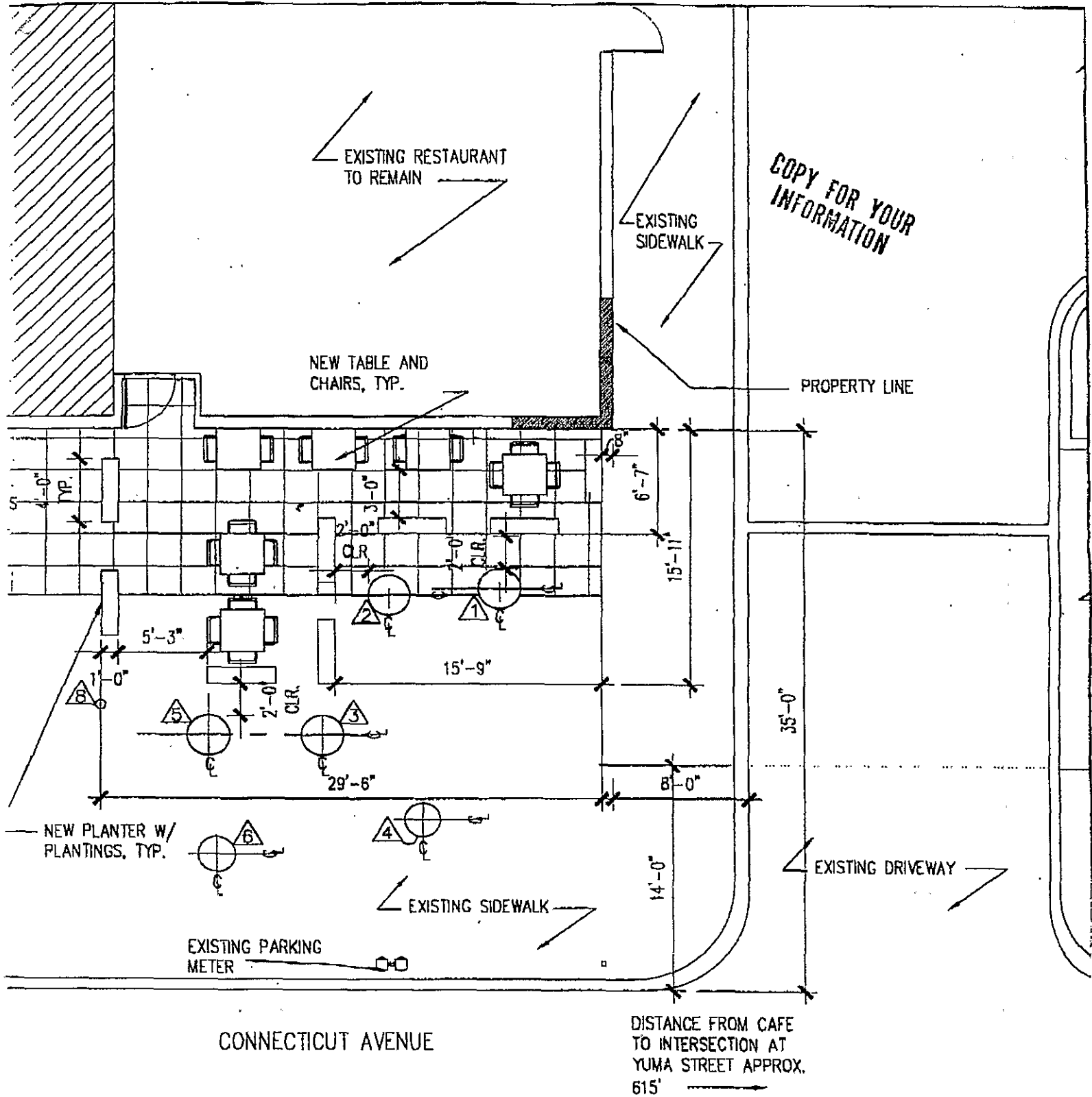
Title: owner

ADVISORY NEIGHBORHOOD  
COMMISSION 3F

By: *Catherine J. Wise*  
(Signature)

Name: Catherine J. Wise  
(Print)

Title: Chair



PROJECT NAME:  
DRAWING TITLE:  
SCALE:

DELHI DHABA - 4455 CONNECTICUT AVE., NW  
REVISED UNENCLOSED SIDEWALK CAFE PLAN  
1/8" = 1'-0"

**NELSON ARCHITECTS**

1003 K STREET, NW  
WASHINGTON, DC 20001

DATE:

06.25.02

TEL 202.737.4800  
FAX 202.737.4888

SK-#4

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF TRANSPORTATION

★ ★ ★  
[REDACTED]  
[REDACTED]

Office of Public Space  
Management Administration

COPY FOR YOUR  
INFORMATION

July 8, 2002

Delhi Dhaba, Inc.  
7140 Shreve Road  
Washington, D.C 22043

Dear Mr. Dhaba:

This is in response to the permit request to use public space for the establishment and operation of a sidewalk café at 4455 Connecticut Ave. NW.

The Public Space Committee reviewed and approved the permit request at their meeting on June 27, 2002. The conditions imposed by the Committee are as follows:

1. That the required permit is obtained prior to operating the café;
2. That the hours of operations will be from 11:00 am to 10:00 p.m. Monday through Friday and 11:00 am to 10:30 p.m. on Saturdays;
3. That the rental period will be from May 1 through September 31<sup>st</sup>, each year;
4. That all furniture, railing and equipment must be removed from public space between November 1 through March 31, each year;
5. That the proposed café shall be in accordance with the approved drawing and no deviation from the drawing is allowed, without prior approval from the Public Space Committee;
6. That the use of public space to establish and operate an unenclosed sidewalk café at NW, shall conform to all applicable provisions of Chapters 3 and 4 of Title 24 DCMR;
7. That the billing will start with the receipt of the permit;
8. That the proposed sidewalk café consist of ~~8~~<sup>18</sup> tables and ~~10~~ chairs, with planter boxes;
9. That the rental rates at lot 803 Square 2046 is \$ 5.00 per square footage. The annual rental will be based on a total square footage of 619.5 square feet.

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To obtain your permit and comply with the conditions above, it is requested that you contact Ms. Denise Washington, with the Department of Consumer and Regulatory Affairs on (202) 442.4659. Ms. Washington will give you a copy of your permit at that time; our inspector will deliver the original permit to you within 5 days.

If you have any question, please feel free to contact Michelle Mosley on (202) 442-4583.

Sincerely,

Denise Turner  
Executive Secretary  
D.C Public Space Committee

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of:**

Delhi Dhaba, Inc.

t/a Delhi Dhaba Restaurant

Application for a Retailer's Class

CR License (substantial change)

at premises

4455 Connecticut Avenue, N.W.

Washington, D.C.

Application no. 50170

2002-264

M. Paul Dumera, President, on behalf of the Applicant

Catherine J. Wiss, Chair, on behalf of the Advisory Neighborhood Commission 3F,  
Protestant

**BEFORE:** Roderic L. Woodson, Esquire, Chair

Vera Abbott, Member

Charles Burger, Member

Laurie Collins, Member

Judy Moy, Member

Ellen Oppenheimer, Esquire, Member

Audrey Thompson, Member

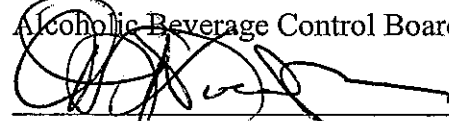
**ORDER ON VOLUNTARY AGREEMENT**

This matter came before the Board for approval on October 30, 2002. The signatories to the attached voluntary agreement dated October 21, 2002, submitted the agreement to the Board in accordance with 23 DCMR Section 1513 (June 1997).

Having determined that the agreement complies with all applicable laws and regulations and the applicant qualifies for licensure, the Board does hereby this 13<sup>th</sup> day of November 2002, **APPROVE** the license application conditioned on the applicant's compliance with the terms of the voluntary agreement and **INCORPORATE** the text of the same into the Order.

Delhi Dhaba, Inc.  
t/a Delhi Dhaba Restaurant  
Page two

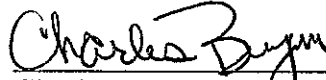
District of Columbia  
Alcoholic Beverage Control Board



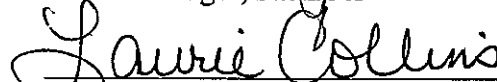
Roderic L. Woodson, Esquire, Chair

NOT VOTING

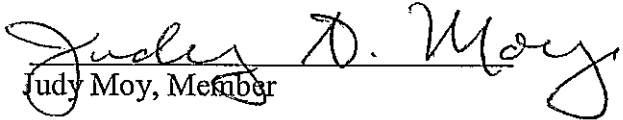
Vera Abbott, Member



Charles Burger, Member



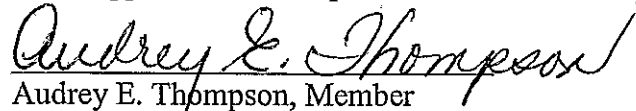
Laurie Collins, Member



Judy Moy, Member

NOT VOTING

Ellen Oppenheimer, Esquire, Member



Audrey E. Thompson, Member

**P E R M I T**

DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF LAND REVENUE INVESTIGATION

Date: 7/10/02

Address of work: 4455 CONVENT ROAD AVE. N.E.

Permittee is hereby granted a

STATE SUBSIDIAL OR EXEMPTED

PERMIT FEE: 200.00

CLASS

4003

2045

**PERMIT**

to perform the work described in the attached permit application and to use the public space

PERMISSION TO INSTALL AN ADVERTISING SIGN ON THE SIDE OF THE ROAD, 4455 CONVENT ROAD AVE. N.E.

IN ACCORDANCE WITH THE ALABAMA PERMITTING ACT AND THE RULES OF THE ALABAMA PERMITTING BOARD, THE PERMITTEE IS GRANTED A PERMIT TO INSTALL AN ADVERTISING SIGN ON THE SIDE OF THE ROAD, 4455 CONVENT ROAD AVE. N.E.

PERMITTEE'S NAME: DEKAY, JAMES L. JR. 10100 N.W. 11TH AVE. N.E. ALBANY, GA 31706

PERMITTEE'S ADDRESS: 10100 N.W. 11TH AVE. N.E. ALBANY, GA 31706

PERMITTEE'S PHONE: 706/533-1111

PERMITTEE'S FAX: 706/533-1111

PERMITTEE'S E-MAIL: jdekay@dekay.com

PERMITTEE'S SIGNATURE: [Signature]

PERMITTEE'S TITLE: OWNER

PERMITTEE'S ADDRESS: 10100 N.W. 11TH AVE. N.E. ALBANY, GA 31706

PERMITTEE'S PHONE: 706/533-1111

PERMITTEE'S FAX: 706/533-1111

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PERMITTEE'S PHONE: 706/533-1111

OFFICE COPY

[Signature]  
DEPUTY CLERK